

# MEDICINE BOARD[653]

## Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Medicine hereby proposes to amend Chapter 1, "Administrative and Regulatory Authority," Chapter 2, "Public Records and Fair Information Practices," Chapter 3, "Waivers and Variances," Chapter 8, "Fees," Chapter 9, "Permanent Physician Licensure," Chapter 10, "Resident, Special and Temporary Physician Licensure," Chapter 11, "Continuing Education and Mandatory Training for Identifying and Reporting Abuse," Chapter 13, "Standards of Practice and Principles of Medical Ethics," Chapter 16, "Student Loan Default or Noncompliance," Chapter 17, "Licensure of Acupuncturists," Chapter 23, "Grounds for Discipline," and Chapter 26, "Reinstatement After Disciplinary Action," Iowa Administrative Code.

The proposed amendments are intended to update the citations in the Board's rules as a result of the enactment of 2008 Iowa Acts, Senate File 2338.

The Board approved these amendments to its rules during a regularly scheduled meeting on July 10, 2008.

Any interested person may present written comments on these proposed amendments not later than 4:30 p.m. on September 2, 2008. Such written materials should be sent to Ann E. Mowery, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686, or E-mailed to [ann.mowery@iowa.gov](mailto:ann.mowery@iowa.gov).

These amendments are intended to implement 2008 Iowa Acts, Senate File 2338.

The following amendments are proposed.

ITEM 1. Amend rule ~~653—1.1(17A,147)~~, "License" "Licensee" "Medical practice Acts" "Physician" "Profession" "Respondent" "Rule" as follows:

"License" shall mean a certificate issued to a person licensed to practice medicine and surgery, osteopathic medicine and surgery ~~or osteopathy~~, or acupuncture under the laws of the state of Iowa.

"Licensee" shall mean a person licensed to practice medicine and surgery, osteopathic medicine and surgery ~~or osteopathy~~, or acupuncture under the laws of the state of Iowa.

"Medical practice Acts" shall refer to Iowa Code chapters 147; and 148, ~~150 and 150A~~.

"Physician" shall mean a person licensed to practice medicine and surgery; or osteopathic medicine and surgery ~~or osteopathy~~ under the laws of this state.

"Profession" shall mean medicine and surgery, osteopathic medicine and surgery ~~or osteopathy~~, or acupuncture.

"Respondent" shall mean a licensee charged by the board in a complaint and statement of charges with violations of statutes or rules relating to the practice of medicine and surgery, osteopathic medicine and surgery ~~or osteopathy~~, or acupuncture.

"Rule" shall mean a regulation, requirement, procedure, or standard of general application prescribed by the board relating to either the administration or enforcement of Iowa Code chapters 147, 148, and 148E, ~~150 and 150A~~.

ITEM 2. Amend rule 653—1.2(17A) as follows:

**653—1.2(17A) Purpose of board.** The purpose of the board is to administer and enforce the provisions of Iowa Code chapters 147, 148, 148E, ~~150, 150A~~, and 272C with regard to the practice of medicine and surgery, osteopathic medicine and surgery, ~~osteopathy~~, and acupuncture, including, but not limited to, the examination of applicants; determining the eligibility of applicants for licensure by

examination or endorsement; the granting of permanent, temporary, resident or special licenses to physicians; determining the ineligibility of physicians to provide supervision to physician assistants; the investigation of violations or alleged violations of statutes and rules relating to the practice of medicine and surgery, osteopathic medicine and surgery, ~~osteopathy~~, and acupuncture; the imposition of discipline upon licensees as provided by statute or rule; and the operation of a licensee review committee for the purpose of evaluating and monitoring licensees who are impaired as a result of alcohol or drug abuse, dependency, or addiction, or by any mental or physical disorder or disability and who self-report or who are referred by the board to the committee.

ITEM 3. Amend paragraphs **1.3(5)“a”** **1.3(5)“b”** as follows:

*a.* Administer the statutes and rules relating to the practice of medicine and surgery, osteopathic medicine and surgery, ~~osteopathy~~, and the practice of acupuncture by acupuncturists.

*b.* Review or investigate, upon receipt of a complaint or upon its own initiation, based upon information or evidence received, alleged violations of statutes or rules which relate to the practice of medicine and surgery, osteopathic medicine and surgery, ~~osteopathy~~, and the practice of acupuncture by licensed acupuncturists.

ITEM 4. Amend subrule 1.3(6) as follows:

**1.3(6)** Appoints a full-time executive director who:

*a.* Is not a member of the board.

*b.* Under the guidance or direction of the board performs administrative duties of the board including, but not limited to: staff supervision and delegation; administration and enforcement of the statutes and rules relating to the practice of medicine and surgery, osteopathic medicine and surgery, ~~osteopathy~~, and the practice of acupuncture; issuance of subpoenas on behalf of the board or a committee of the board during the investigation of possible violations; enunciation of policy on behalf of the board.

ITEM 5. Amend **653—Chapter 1**, as follows:

These rules are intended to implement Iowa Code chapters 17A, 21, 68B, 148, 148E, ~~150, 150A,~~ 252J, 261, and 272C.

ITEM 6. Amend subrule 2.14(1) as follows:

**2.14(1)** *Records of agency disciplinary hearings.* These records contain information about licensees and certificants who are the subject of an agency disciplinary proceeding or other action. This information is collected by the agency pursuant to the authority granted in Iowa Code chapters 147, 147A, 148, 148C, ~~150, 150A,~~ and 272C. This information is stored electronically and on paper. The information contained in “records of closed” board hearings is confidential in whole or in part pursuant to Iowa Code sections 21.5(4) and 272C.6 or other provisions of the law.

ITEM 7. Amend subrule 2.14(6) as follows:

**2.14(6)** *Examination records.* These records contain information about applicants for any of the following examinations: United States Medical Licensing Examination (USMLE), Federation of State Medical Boards of the United States, Inc. - Federation Licensing Examination (FLEX), National Board of Medical Examiners, National Board of Osteopathic Medical Examiners, National Commission for the Certification of Acupuncturists, individual state or territorial medical licensing boards, Licentiate of the Medical Council of Canada examination (LMCC), Special Purpose Examination (SPEX), or other examination approved by the board. These records may also contain information about applicants who pursue licensure by endorsement, score transfer, or other means. The information is collected by the agency pursuant to the authority granted in Iowa Code chapters 147, 148, and 148E, ~~150, and 150A~~ and is stored electronically and on paper. Portions of the examination records are confidential in part pursuant to Iowa Code sections 22.7(1), 22.7(19), and 147.21.

ITEM 8. Amend subrule 2.14(7) as follows:

**2.14(7)** *Investigative reports.* These records contain information about the subjects of board investigations and the activities of board investigators and agents. The records include a variety of attachments such as interviews; drug audits; medical records; pharmacy records; exhibits; police reports; and investigators’ comments, conclusions, and recommendations. This information is collected

by the agency pursuant to the authority granted in Iowa Code chapters 147, 147A, 148, and 148C, ~~150, and 150A~~. This information is stored electronically on microfilm and on paper. The information contained in these records is confidential in whole or in part pursuant to Iowa Code sections 22.7, 147.21, and 272C.6(4).

ITEM 9. Amend subrule 2.14(8) as follows:

**2.14(8) *Licensure and certification records.*** These records contain information about doctors of medicine and surgery, and osteopathic medicine and surgery, ~~and osteopathy~~; and registered acupuncturists who are licensed or registered by the agency. The information is collected by the agency pursuant to the authority granted in Iowa Code chapters 147, 148, and 148E, ~~150, and 150A~~ and is stored on paper, in automated data processing systems, on microfiche, on CD-ROM, floppy disk, and in the state archives. These records may contain information which is confidential under subrule 2.13(2).

ITEM 10. Amend **653—Chapter 3**, parenthetical implementation, as follows:  
(17A,147,148,~~150,150A~~)

ITEM 11. Amend rule 653—3.4(17A,147,148), as follows:

**653—3.4(17A,147,148) Criteria for waiver or variance.** In response to a petition completed pursuant to rule 3.6(17A,147,148,~~150,150A~~), the board may, in its sole discretion, issue an order waiving, in whole or in part, the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

ITEM 12. Amend subrule 3.5(4) as follows:

**3.5(4) *File petition.*** A petition is deemed filed when it is received in the board office. A petition should be sent to the Iowa Board of Medicine, 400 S.W. 8th Street, Suite C, Des Moines, Iowa 50309-4686. The petition must conform to the form specified in rule 3.17(17A,147,148,~~150,150A~~).

ITEM 13. Amend rule 653—3.6(17A,147,148) as follows:

**653—3.6(17A,147,148) Content of petition.** A petition for waiver shall include the following information where applicable and known to the requester:

1. to 3. No change.

4. The relevant facts that the petitioner believes would justify a waiver under each of the four criteria described in rule 3.4(17A,147,148,~~150,150A~~). This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition, and a statement of reasons that the petitioner believes will justify a waiver.

5. to 10. No change.

ITEM 14. Amend **653—Chapter 3**, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 17A, ~~as amended by 2000 Iowa Acts, chapter 1176, and Iowa Code chapters~~ 147, and 148, ~~150, and 150A~~.

ITEM 15. Amend rule **653—8.4(147,148,272C)**, as follows:

**653—8.4(147,148,272C) Application and licensure fees to practice medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~.**

ITEM 16. Amend **653—Chapter 8**, as follows:

These rules are intended to implement Iowa Code sections 147.11, 147.80, ~~147.103A~~, 148.3, 148.5, 148.10, and 148.11.

ITEM 17. Amend rules **653—9.1(147,148,150,150A)** to **653—9.15(147,148,150,150A)** by changing the parenthetical implementation from “(147,148,150,150A)” to “(147,148)”.

ITEM 18. Amend rule **653—9.1(147,148)**, definitions of “Applicant,” “Current, active status,” “Medical degree,” and “Practice,” as follows:

“*Applicant*” means a person who seeks authorization to practice medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ in this state by making application to the board.

“*Current, active status*” means a license that is in effect and grants the privilege of practicing medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~, as applicable.

“*Medical degree*” means a degree of doctor of medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~, or comparable education from a foreign medical school.

“*Practice*” means the practice of medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~.

ITEM 19. Amend subrules 9.2(1) and 9.2(2) as follows:

**9.2(1) *Licensure required.*** Licensure is required for practice in Iowa as identified in Iowa Code ~~sections~~ section 148.1, ~~150.2, and 150A.1~~; the exceptions are identified in subrule 9.2(2). Provisions for permanent physician licensure are found in this chapter; provisions for resident, special and temporary physician licensure are found in 653—Chapter 10.

**9.2(2) *Licensure not required.*** The following persons are not required to obtain a license to practice in Iowa:

a. Those persons described in Iowa Code ~~sections~~ section 148.2(1) to (5), ~~150.3, and 150A.2(1) to (5)~~.

b. Those persons who are incidentally called into this state in consultation with a physician or surgeon licensed in this state as described in Iowa Code ~~sections~~ section 148.2(5) and ~~150A.2(5)~~, and as defined in rule 9.1(147,148,~~150,150A~~).

c. to g. No change.

h. Visiting resident physicians who come to Iowa to practice as part of their resident training program if under the supervision of an Iowa-licensed physician. An Iowa physician license is not required of a physician in training if the physician has a resident or permanent license in good standing in the home state of the resident training program. An Iowa temporary license is required of a physician in training if the physician does not hold a resident or permanent physician license in good standing in the home state of the resident training program (see rule 653—10.5(147,148,~~150,150A~~)).

ITEM 20. Amend subrule 9.3(1) as follows:

**9.3(1) Requirements.** To be eligible for permanent licensure, an applicant shall meet all of the following requirements:

a. Fulfill the application requirements specified in rule 9.5(147,148,~~150,150A~~).

b. No change.

c. Hold a medical degree from an educational institution approved by the board at the time the applicant graduated and was awarded the degree.

(1) Educational institutions approved by the board shall be fully accredited by an accrediting agency recognized by the board as schools of instruction in medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ and empowered to grant academic degrees in medicine.

(2) The accrediting bodies currently recognized by the board are:

1. LCME for the educational institutions granting degrees in medicine and surgery; and

2. AOA for educational institutions granting degrees in osteopathic medicine and surgery ~~or osteopathy~~.

(3) No change.

d. No change.

e. Pass one of the licensure examinations or combinations as prescribed in rule 9.4(147,148,~~150,150A~~).

ITEM 21. Amend paragraph **9.5(2)“e”** as follows:

e. A certified statement of scores on any examination required in rule 9.4(147,148,~~150,150A~~) that the applicant has taken in any jurisdiction. An official FCVS Physician Information Profile that supplies this information for the applicant is a suitable alternative.

ITEM 22. Amend paragraph **9.6(8)“g”** as follows:

g. Deny a license. The board may deny a license for any grounds on which the board may discipline a license. The procedure for appealing a license denial is set forth in rule 9.15(147,148,~~150,150A~~).

ITEM 23. Amend subrule 9.11(6), as follows:

**9.11(6) Failure to renew.** Failure of the licensee to renew a license within two months following its expiration date shall cause the license to become inactive and invalid. A licensee whose license is invalid is prohibited from practice until the license is reinstated in accordance with rule 9.13(147,148,~~150,150A~~).

ITEM 24. Amend subrule 9.13(3) as follows:

**9.13(3) Reinstatement application process.** The process is the same as that described in rule 9.6(147,148,~~150,150A~~).

ITEM 25. Amend **653—Chapter 9**, as follows:

These rules are intended to implement Iowa Code chapters 17A, 147, 148, ~~150,150A~~, and 272C.

ITEM 26. Amend rules **653—10.1(147,148,150,150A)** to **653—10.5(147,148,150,150A)**, parenthetical implementation, by striking “150,150A.”

ITEM 27. Amend rule **653—10.1(147,148)**, “Applicant” “Medical degree” “Practice” as follows:

“*Applicant*” means a person who seeks authorization to practice medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ in this state by making application to the board.

“*Medical degree*” means a degree of doctor of medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~, or comparable education from an international medical school.

“*Practice*” means the practice of medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~.

ITEM 28. Amend rule 653—10.2(148) as follows:

**653—10.2(148) Licensure required.** Licensure is required for practice in Iowa as identified in Iowa Code ~~sections~~ section 148.1, ~~150.2, and 150A.1~~; the exceptions are identified in 653—subrule 9.2(2). Provisions for permanent physician licensure are found in 653—Chapter 9; provisions for resident, special and temporary physician licensure are found in this chapter.

ITEM 29. Amend paragraph **10.3(1)“f”** as follows:

f. A visiting resident physician may come to Iowa to practice as a part of the physician’s resident training program if the physician is under the supervision of an Iowa-licensed physician. An Iowa physician license is not required of a physician in training if the physician has a resident or permanent license in good standing in the home state of the resident training program. An Iowa temporary physician license is required of a physician in training if the physician does not hold a resident or permanent physician license in good standing in the home state of the resident training program (see rule 653—10.5(147,148,~~150,150A~~)).

ITEM 30. Amend subparagraph **10.3(4)“h”(6)** as follows:

(6) Deny a license. The board may deny a license for any grounds on which the board may discipline a license. The procedure for appealing a license denial is set forth in 653—9.15(147,148,~~150,150A~~).

ITEM 31. Amend subparagraph **10.3(7)“h”(6)** as follows:

(6) Deny a request for an extension of the license. The board may deny an extension of a license for any grounds on which the board may discipline a license. The procedure for appealing a license denial of an extension is set forth in 653—9.15(147,148,~~150,150A~~).

ITEM 32. Amend subparagraph **10.4(4)“h”(5)** as follows:

(5) Deny a license. The board may deny a license for any grounds on which the board may discipline a license. The procedure for appealing a license denial is set forth in 653—9.15(147,148,~~150,150A~~).

ITEM 33. Amend paragraphs **10.5(1)“a”** **10.5(1)“c”** as follows:

a. The temporary license to practice is intended for a physician to participate in a board-approved activity, as defined in rule 653—10.1(147,148,~~150,150A~~), in Iowa that is short-term. Temporary licensure is not intended to be a way for a physician to practice before a permanent license is granted. Temporary licensure is not intended for locum tenens.

c. A physician incidentally called into this state in consultation with a physician and surgeon licensed in this state, as defined in rule 653—10.1(147,148,~~150,150A~~), is not required to obtain a temporary license in Iowa.

ITEM 34. Amend subrule 10.5(5) as follows:

**10.5(5)** *Standard application review process for a temporary license.* The standard review process shall be utilized to review each application for a temporary license, except that the process identified in subrule 10.5(6) shall be used for any international medical graduate who does not currently hold a license in good standing in any United States jurisdiction or for any physician who seeks temporary licensure for an activity not listed in paragraphs “1” through “6” of the definition of “board-approved activity” in rule 653—10.1(147,148,~~150,150A~~). The standard application review process is as follows:

a. to g. No change.

h. The board shall consider applications and recommendations from the committee and shall:

(1) to (3) No change.

(4) Deny a temporary license. The board may deny a temporary license for any grounds on which the board may discipline a license or for lack of need for a physician’s services by the organization or individual. The procedure for appealing a license denial is set forth in 653—9.15(147,148,~~150,150A~~).

ITEM 35. Amend subrule 10.5(6) as follows:

**10.5(6)** *Application review process for applicants with certain exceptions.* This application process shall be used to review applications submitted by an international medical graduate who does not currently hold a license in good standing in any United States jurisdiction or by a physician seeking temporary licensure for an activity not listed in paragraphs “1” through “6” of the definition of “board-approved activity” in rule 653—10.1(147,148,~~150,150A~~). Following is the application review process for applicants with exceptions:

a. to c. No change.

d. The board shall consider applications and recommendations from the committee and shall:

(1) to (3) No change.

(4) Deny a temporary license. The board may deny a temporary license for any grounds on which the board may discipline a license or for lack of need for a physician’s services by the organization or individual. The procedure for appealing a license denial is set forth in 653—9.15(147,148,~~150,150A~~).

ITEM 36. Amend **653—Chapter 10**, as follows:

These rules are intended to implement Iowa Code chapters 17A, 147, 148,~~150,150A~~, and 272C.

ITEM 37. Amend rule **653—11.1(272C)**, definitions of “Active licensee” and “Licensee,” as follows:

“*Active licensee*” means any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ in Iowa who has met all conditions of licensure and maintains a current license to practice in Iowa.

“*Licensee*” means any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ in the state of Iowa.

ITEM 38. Amend rule 653—13.2(148,150,150A,272C), parenthetical as follows:

**653—13.2(148,150,150A,272C) Standards of practice—appropriate pain management.**

ITEM 39. Amend rule 653—13.4(147), parenthetical as follows:

**653—13.4(147, 148) Supervision of pharmacists engaged in collaborative drug therapy management.**

ITEM 40. Amend subrule **13.4(1)**, definition of “Physician,” as follows:

“*Physician*” means a person who is currently licensed in Iowa to practice medicine and surgery; or osteopathic medicine and surgery; ~~or osteopathy~~. A physician who executes a written protocol with an authorized pharmacist shall supervise the pharmacist’s activities involved in the overall management of patients receiving medications or disease management services under the protocol. The physician may delegate only drug therapies that are in areas common to the physician’s practice.

ITEM 41. Amend rule **653—13.4(148)**, as follows:

This rule is intended to implement Iowa Code ~~chapters~~ chapter 148, ~~150 and 150A~~.

ITEM 42. Amend rule 653—13.5(147,148,150) as follows:

**653—13.5(147,148,150) Standards of practice—chelation therapy.** Chelation therapy or disodium ethylene diamine tetra acetic acid (EDTA) may only be used for the treatment of heavy metal poisoning or in the clinical setting when a licensee experienced in clinical investigations conducts a carefully controlled clinical investigation of its effectiveness in treating other diseases or medical conditions under a research protocol that has been approved by an institutional review board of the University of Iowa or Des Moines University—Osteopathic Medical Center.

This rule is intended to implement Iowa Code chapters 147; and 148; ~~and 150~~.

ITEM 43. Amend rule **653—13.20(147,148,150)**, as follows:

**653—13.20(147,148,150) Principles of medical ethics.** The Code of Medical Ethics (2002-2003) prepared and approved by the American Medical Association and the Code of Ethics (2002-2003) prepared and approved by the American Osteopathic Association shall be utilized by the board as guiding principles in the practice of medicine and surgery; and osteopathic medicine and surgery ~~and osteopathy~~ in this state.

ITEM 44. Amend rule **653—16.1(261)**, definition of “License,” as follows:

“*License*” means a license to practice medicine and surgery, osteopathic medicine and surgery, ~~osteopathy~~, or acupuncture under Iowa Code chapters 148; and 148E, ~~150, and 150A~~.

ITEM 45. Amend rule 653—17.2(148E) as follows:

**653—17.2(148E) Licensure exceptions.** In accordance with Iowa Code section 148E.3, the following rules govern those persons engaged in the practice of acupuncture not otherwise licensed by the state to practice medicine and surgery, ~~osteopathy~~, osteopathic medicine and surgery, chiropractic, podiatry, or dentistry. A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the board as one that leads to eligibility for licensure is not required to obtain a license.

ITEM 46. Amend subrule 17.10(2) as follows:

**17.10(2) Standard of care.** A licensee shall be held to the same standard of care as persons licensed to practice medicine and surgery; ~~osteopathy~~, and or osteopathic medicine and surgery. Pursuant to Iowa Code section 272C.3, any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care in the practice of acupuncture constitutes malpractice and is grounds for the revocation or suspension of a license to practice acupuncture in this state.

ITEM 47. Amend rule 653—23.1(272C), as follows:

**653—23.1(272C) Grounds for discipline.** The board has authority to impose discipline for any violation of Iowa Code chapter 147, 148, 148E, ~~150, 150A~~, 252J, 261 or 272C or the rules promulgated thereunder. The grounds for discipline apply to physicians and acupuncturists. This rule is not subject to waiver or variance pursuant to 653—Chapter 3 or any other provision of law. The board may impose any of the disciplinary sanctions set forth in 653—subrule 25.25(1), including civil penalties in an amount not to exceed \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:

ITEM 48. Amend paragraph **23.1(2)“f”** as follows:

*f.* A willful or repeated departure from or the failure to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery; or osteopathic medicine and surgery ~~or osteopathy~~ in the state of Iowa;

ITEM 49. Amend subrules 23.1(4) and 23.1(10) as follows:

**23.1(4)** Unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee’s practice or otherwise, and whether committed within this state or elsewhere; or a violation of the standards and principles of medical ethics or 653—13.7(147,148,272C) or 653—13.20(147,148,~~150~~) as interpreted by the board.

**23.1(10)** Violation of the laws or rules governing the practice of medicine or acupuncture of this state, another state, the United States, or any country, territory or other jurisdiction. Violation of the laws or rules governing the practice of medicine includes, but is not limited to, willful or repeated violation of the provisions of these rules or the provisions of Iowa Code chapter 147, 148, 148E, ~~150, 150A~~ or 272C or other state or federal laws or rules governing the practice of medicine.

ITEM 50. Amend subrules 23.1(14), 23.1(15), 23.1(21) and 23.1(23) as follows:

**23.1(14)** Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession includes, but is not limited to, an intentional perversion of the truth, either orally or in writing, by a physician in the practice of medicine and surgery; or osteopathic medicine and surgery ~~or osteopathy~~ or by an acupuncturist.

**23.1(15)** Fraud in procuring a license. Fraud in procuring a license includes, but is not limited to, an intentional perversion of the truth in making application for a license to practice acupuncture, ~~or~~ medicine and surgery, or osteopathic medicine and surgery ~~or osteopathy~~ in this state, and includes false representations of material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state, or attempting to file or filing with the board any false or forged document submitted with an application for a license in this state.

**23.1(21)** Knowingly aiding, assisting, procuring, or advising a person in the unlawful practice of acupuncture, ~~or~~ medicine and surgery, or osteopathic medicine and surgery ~~or osteopathy~~.

**23.1(23)** Failure to report voluntary agreements. Failure to report any voluntary agreement to restrict the practice of acupuncture, ~~or~~ medicine and surgery, or osteopathic medicine and surgery ~~or osteopathy~~ entered into with this state, another state, the United States, an agency of the federal government, or any country, territory or other jurisdiction.

ITEM 51. Amend subrule 26.1(6) as follows:

**26.1(6)** A physician seeking reinstatement under this rule whose license became inactive during the period of suspension or revocation is also required to complete the reactivation process set forth in 653—9.13(147,148,~~150,150A~~) or 653—9.14(147,148,~~150,150A~~).